In the Supreme Court of the United States

OCTOBER TERM, 1969

No. 1509

GERALD W. ESKOW, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

The judgment of the court of appeals affirming petitioner's conviction for mail fraud was entered on February 27, 1970. The petition for a writ of certiorari, filed on May 1, 1970, is out of time under Rule 22–2 of the Rules of the Court.

In any event, petitioner's contentions, which essentially challenge the sufficiency of the evidence, are fully discussed in the opinion of the court of appeals (Pet. App. 1a–19a) and do not warrant further review.

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ERWIN N. GRISWOLD,
Solicitor General.

JUNE 1970.

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